

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IRON WORKERS ST. LOUIS DISTRICT      )  
COUNCIL ANNUITY TRUST, et al.,        )  
    )  
Plaintiffs,                                )  
    )  
vs.   )    Case No. 4:11CV02019 AGF  
  )  
ARROW FENCE, INC.,                        )  
  )  
Defendant.                                )

**MEMORANDUM AND ORDER**

This is an action under the Employee Retirement Income Security Act (ERISA), 29 U.S.C. § 1132, to recover delinquent fringe benefit contributions allegedly owed by Defendant Arrow Fence, Inc. After the filing of Plaintiffs' Complaint, Defendant failed to answer or otherwise respond. The Clerk of the Court entered a default in this matter, and on January 28, 2012, the Court granted Plaintiffs a partial default judgment and ordered Defendant, within thirty days, to submit its books to an audit by an auditor of Plaintiffs' choice and at Defendant's cost.

As of this date, Defendant has not complied with the Court's previous order and Plaintiffs now move to compel Defendant to submit to an audit of its books for purposes of determining delinquent contributions. Plaintiffs also request an award of their attorneys' fees and costs for the preparation of this motion. The Court will grant both requests.

Defendant is advised that failure to comply with this Order may result in a finding that Defendant is in contempt of this Court, and in the imposition of sanctions, including

but not limited to a fine, an award of additional attorney's fees and costs to Plaintiffs, as appropriate.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion to Compel (Doc. No. 9) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' request for an award of their attorneys' fees and costs related to the preparation of this motion is **GRANTED**.

**IT IS FURTHER ORDERED** that, not later than **Thursday, June 6, 2012**, Defendant shall make its books and records available for audit and inspection by an auditor of Plaintiffs' choice and at Defendant's cost, as required by this Court's Order of January 28, 2012. Failure to fully comply with this Order may result in a finding of civil contempt and the imposition of sanctions including a fine and/or incarceration.

**IT IS FURTHER ORDERED** that Plaintiffs shall effect service of this Order and a copy of the Court's Order of January 28, 2012, (Doc. No. 7) on Defendant by whatever means they believe to be most effective, and shall promptly file a certificate of such service.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 16th day of May, 2012.